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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,429	10/28/2003	David Mathieu	ACME/192/US	9460
2543 7590 04/11/2012 ALIX YALE & RISTAS LLP 750 MAIN STREET SUITE 1400 HARTFORD, CT 06103			EXAMINER NGUYEN, PHONG H	
			ART UNIT 3724	PAPER NUMBER
			MAIL DATE 04/11/2012	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/695,429

Applicant(s)

MATHIEU ET AL

Examiner

Phong Nguyen

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18, 30-32, 40-42 and 44 is/are pending in the application.
- 4a) Of the above claim(s) 1-18 and 30-32 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 40-42 and 44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 February 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. In view of the appeal brief filed on 12/09/2011, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/BOYER D ASHLEY/

Supervisory Patent Examiner, Art Unit 3724.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 40-42 and 44 are rejected under 35 U.S.C. 102(b) as being anticipated by Long et al. (4,870,946), hereinafter Long.

Regarding claim 40, Long teaches a blade-guard assembly for a rotary trimmer comprising:

a cutting blade 14 having a plurality of apertures (Fig. 5),

a hub (16, 23; Fig. 1) connected to the cutting blade via the plurality of apertures,

a blade guard (20; Fig. 1) secured to the hub and forming a blade-guard assembly with the cutting blade 14, the blade guard covering the cutting blade such that at least a portion of the cutting blade is exposed for cutting, the blade-guard assembly being removable from, and placeable on the rotary trimmer as a unit (when the screws 34 are unscrewed from the hub 16).

Regarding claim 41, a central aperture of the blade is best seen in Fig. 5.

Regarding claim 42, the plurality of apertures disposed around the central aperture is best seen in Fig. 5.

Regarding claim 44, the hub and the blade connected using the plurality of apertures is best seen in Fig. 1.

4. Claims 40-42 are rejected under 35 U.S.C. 102(b) as being anticipated by Schulz et al. (5,765,289), hereinafter Schulz.

Regarding claim 40, Schulz teaches a blade-guard assembly for a rotary trimmer comprising:

a cutting blade 22 having a plurality of apertures (three small U-shaped apertures on the circumference of a big central aperture),

a hub 32 connected to the cutting blade via the plurality of apertures,

a blade guard 42 secured to the hub and forming a blade-guard assembly with the cutting blade 9, the blade guard covering the cutting blade such that at least a portion of the cutting blade is exposed for cutting, the blade-guard assembly being removable from, and placeable on, the rotary trimmer as a unit.

It is noted that when the hub 32, the blade guard 42 and the blade 22 are grouped together, they are able to be removed from or placed on the trimmer as a unit.

Regarding claims 41 and 42, a big central aperture and three small apertures of the cutting blade 22 are best seen in Fig. 5.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

6. (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 40-42 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matthai et al. (5,702,415), hereinafter Matthai, in view of Roberts (436,804).

Regarding claim 40, Mathai teaches a blade-guard assembly for a rotary trimmer comprising:

a cutting blade 9 having a plurality of apertures (Fig. 3),

a hub (see Fig. 2 below) connected to the cutting blade via the plurality of apertures,

a blade guard 86 secured to the hub and forming a blade-guard assembly with the cutting blade 9, the blade guard covering the cutting blade such that at least a portion of the cutting blade is exposed for cutting.

See Fig. 2 below.

Mathai does not teach the blade-guard assembly being removable from, and placeable on the rotary trimmer as a unit.

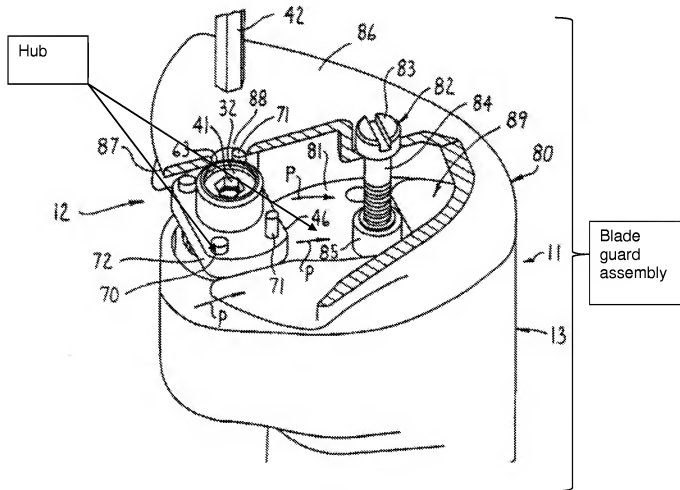
Roberts teaches a blade guard assembly (k) being removable from and placeable on a rotary trimmer as a unit so that a plurality of blade guard assemblies can be used with the rotary trimmer. See Fig. 5.

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to make blade guard assembly in Mathai to be removable from and

placeable on a rotary trimmer as a unit as taught by Roberts so that a plurality of blade guard assemblies can be used with the rotary trimmer.

Regarding claims 41 and 42, a central aperture and a plurality of apertures are best seen in Fig. 1 in Mathai.

Regarding claim 44, see Fig. 2 in Mathai.



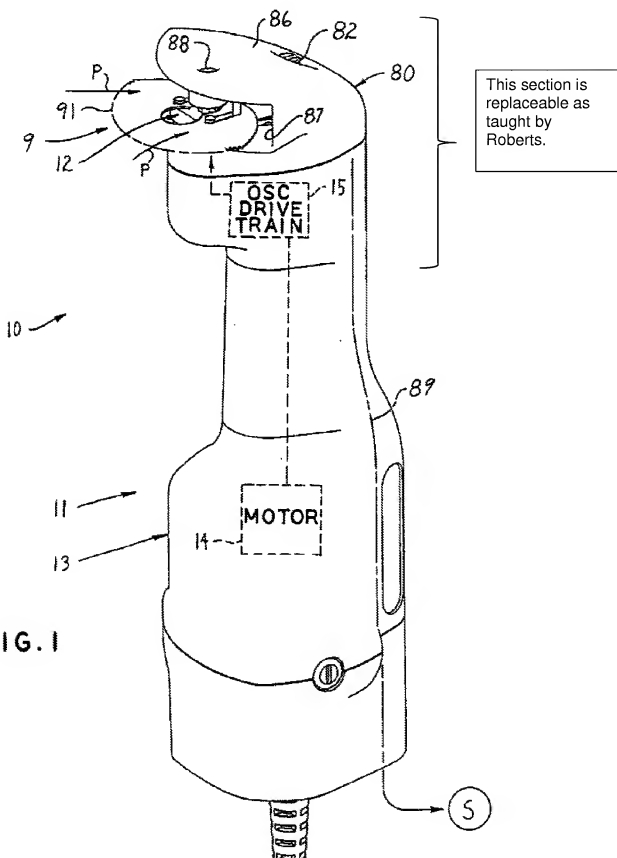


FIG. 1

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phong Nguyen whose telephone number is (571)272-4510. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Phong H Nguyen/
Primary Examiner, Art Unit 3724
April 2, 2012